

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**STEVEN ROSIER, DENISE ROSIER, and *
CAITLIN ROSIER, ***

PLAINTIFFS, *

VS. * Civil Action No.: 2:17-cv-01291-TMP

**HYUNDAI CAPITAL AMERICA, f.k.a. *
HYUNDAI MOTOR FINANCE *
COMPANY, INC., KIA MOTORS *
FINANCE, A.R.S.I., doing business as *
AMERICAN RECOVERY SERVICE, *
INC., AVID RECOVERY GROUP, INC., *
et al. ***

DEFENDANTS. *

SECOND AMENDED COMPLAINT

Comes now the Plaintiffs, **STEVEN ROSIER, DENISE ROSIER, and CAITLIN ROSIER**, and hereby amends the complaint heretofore filed in this matter as follows:

STATEMENT OF FACTS

1. That the Plaintiffs, **STEVEN ROSIER, DENISE ROSIER, and CAITLIN ROSIER**, are resident citizens of Shelby County, Alabama and over the age of nineteen (19) years.

2. That the Defendants, **HYUNDAI CAPITAL AMERICA, f.k.a. HYUNDAI MOTOR FINANCE COMPANY, INC.**, is one and the same company as **KIA MOTORS FINANCE**, or in the alternative, **KIA MOTORS FINANCE** is a subsidiary of **HYUNDAI MOTOR FINANCE COMPANY, INC.**, a foreign corporation qualified to do business in the State of Alabama.

3. That Defendants, **AMERICAN RECOVERY SERVICE, INC., AVID**

RECOVERY GROUP, INC., are companies engaged in the repossession of vehicles.

4. On to-wit: June 1, 2011, Shannon L. Dunnaway purchased a 2011 Kia Forte vehicle VIN#KNAFU4A21B5443041 from Riverchase Kia and financed said purchase with Defendant, **KIA MOTRS FINANCE**, lienholder. Copies of the Alabama Department of Revenue Motor Vehicle Division – Title Section Application for Certificate of Title, Certificate of Origin for Vehicle and Alabama Department of Revenue Power of Attorney reflecting said transactions are attached hereto collectively as Exhibit "1".

5. That on to-wit December 16, 2011, the said 2011 Kia Forte vehicle was abandoned at Lynn Johnson Collision, Inc., 3422 Pelham Pkwy., Pelham, Alabama 35124.

6. That pursuant to **§32-3-1, et seq., Code of Alabama 1975** the said Lynn Johnson Collision, Inc., proceeded to sell the above-referenced Kia Forte vehicle.

7. That Kia Motors Finance was notified of the said proceeding.

8. On to-wit: April 23, 2012, Kia Motors Finance mailed a letter to Lynn Johnson Collision Center, Inc., stating that it would not exercise its right to take possession of the afore-reference vehicle pursuant to its security interest. A copy of said letter is attached hereto as Exhibit "2".

9. That on to-wit: June 11, 2012, the subject Kia Forte vehicle was sold to Lynn Johnson. Attached hereto as Exhibit "3" is the Alabama Department of Revenue Motor Vehicle Division Abandoned Motor Vehicle Bill of Sale.

10. On to-wit: October 16, 2012, the Alabama Department of Revenue Motor Vehicle Division – Title Section notified Kia Motors Finance by letter that its interest as owner/lienholder in the afore-referenced 2011 Kia Forte vehicle had been terminated by operation of law, a copy of said letter is attached hereto as Exhibit "4".

11. That on to-wit: October 22, 2012, Lynn Johnson transferred the 2011 Kia Forte vehicle to Plaintiffs, Steven Rosier and Denise Rosier, a copy of the executed Certificate of Title is attached hereto as Exhibit "5".

12. That Defendants, **HYUNDAI CAPITAL AMERICA, f.k.a. HYUNDAI MOTOR FINANCE COMPANY, INC.**, and/or **KIA MOTORS FINANCE**, without legal justification, directed, instructed, contracted with, and conspired with Defendants, **AMERICAN RECOVERY SERVICE, INC., AVID RECOVERY GROUP, INC.** to deprive the Plaintiffs of possession of a 2011 Kia Forte vehicle.

13. That on the 13th day of February, 2017, at the instruction and direction of **HYUNDAI CAPITAL AMERICA, f.k.a. HYUNDAI MOTOR FINANCE COMPANY, INC.**, and/or **KIA MOTORS FINANCE, AMERICAN RECOVERY SERVICE, INC., AVID RECOVERY GROUP, INC.**, without the consent or permission of the Plaintiffs took into its possession the 2011 Kia Forte vehicle.

14. That at the time of the taking of said vehicle, it was in the actual, physical possession of **CAITLIN ROSIER**.

COUNT I

15. That on to-wit: the 13th day of February, 2017, the Defendants converted and/or conspired to convert a 2011 Kia Forte automobile which was the property or in the possession of the Plaintiffs, **STEVEN ROSIER, DENISE ROSIER**, and/or **CAITLIN ROSIER**.

16. That the Defendants actions were intentional, purposeful, willful, grossly negligent or negligent.

17. That as a result of the Defendants action, the Plaintiffs suffered economic loss, annoyance, inconvenience, embarrassment and mental anguish.

COUNT II

18. That on to-wit: the 13th day of February, 2017, the Defendants committed or conspired to commit trespass to a 2011 Kia Forte automobile which was the property of or in the possession of the Plaintiffs.

19. That the Defendants actions were intentional, purposeful, willful, grossly negligent or negligent.

20. That as a result of the Defendants actions, the Plaintiffs suffered economic loss, annoyance, inconvenience, embarrassment and mental anguish.

COUNT III

21. That on to-wit: the 13th day of February, 2017, the Defendants committed or conspired to commit the tort of nuisance by depriving the Plaintiffs of the possession and use of a 2011 Kia Forte automobile which was the property of and/or in the possession of the Plaintiffs.

22. That the Defendant's actions were intentional, willful, grossly negligent or negligent.

23. As a result of the Defendants actions, the Plaintiffs suffered economic loss, annoyance, inconvenience, embarrassment and mental anguish.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs demand judgment against the Defendants for compensatory damages, mental anguish and punitive damages in a sum to be determined by a struck jury and the cost of these proceedings.

Respectfully submitted,

/s/ Joseph E. Walden

JOSEPH E. WALDEN (WAL008)
WALDEN & WALDEN ATTORNEYS
Post Office Box 1610
Alabaster, Alabama 35007
(205) 663-0915

***PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above foregoing has been served electronically upon the following counsel of record who are AlaFile registrant(s):

L. Jackson Young, Jr.
Ferguson Frost Moore & Young, LLP
1400 Urban Center Dr., Suite 200
Birmingham, AL 35242

and all other counsel of record or pro se parties by, placing the same in the U.S. Mail, first class postage pre-paid and properly addressed as follows, on this the 23rd day of October, 2017.

/s/ Joseph E. Walden

OF COUNSEL

Exhibit "1"



* EM04801475 *

ALABAMA DEPARTMENT OF REVENUE, MOTOR VEHICLE DIVISION - TITLE SECTION P. O. Box 327666, Montgomery, AL 36132-7666
MVT 5-1E (REV 03/10) Application For Certificate Of Title

Application # EM04801475 Application Date 06/01/2011 Trans Code 01 Legend Codes 71
Current AL Title # _____ Surrendering OOS Title - State _____ Title # _____ Lien MS

VEHICLE INFORMATION

VIN KNAFU4A21B5443041 Year 2011 Make KIA Model FORTE Body Type HD Cyls 4 Color WHI
Purchase Date 05/31/2011 # Liens 1 Odo. Reading 24 Miles Reading Type A - Actual New/Used NEW

OWNER INFORMATION (FELONY OFFENSE FOR FALSE ADDRESS) Alabama Operator (Lessee) if Different:

Name	<u>DUNAWAY SHANNON L.</u>	Name	_____
Mailing Address	<u>1756 A WOODBROOK TRAIL</u>	Resident Address	_____
City, State, Zip	<u>ALABASTER, AL 35007</u>	City, State, Zip	_____

Gross Selling Price: 17167.71 Trade In Allowance: 0.00

LIENHOLDER INFORMATION (FELONY OFFENSE FOR FAILURE TO NAME LIENHOLDER WITH INTENT TO DEFRAUD)
Alabama law requires that the certificate of title be mailed to the first lienholder.

First Lienholder	Second Lienholder		
Name	<u>KIA MOTORS FINANCE</u>	Name	_____
Mailing Address	<u>PO BOX 105299</u>	Mailing Address	_____
City, State, Zip	<u>ATLANTA, GA 30348</u>	City, State, Zip	_____
Date of Lien	<u>05/31/2011</u>	Date of Lien	_____

SELLER INFORMATION

Name RIVERCHASE KIA Physical Address 2200 PELHAM PARKWAY City, State, Zip PELHAM, AL 35124

SIGNATURES (FELONY OFFENSE FOR FALSE STATEMENTS)

I, THE UNDERSIGNED, CERTIFY THAT THE VEHICLE DESCRIBED ABOVE IS OWNED BY ME AND I HEREBY MAKE APPLICATION FOR A CERTIFICATE OF TITLE FOR SAID MOTOR VEHICLE AND THIS VEHICLE WILL NOT BE THE SUBJECT OF LIEN PRIOR TO RECEIPT OF TITLE UNLESS INDICATED ABOVE. I FURTHER CERTIFY THAT ALL INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Owner Signature [Signature] Date 6/1/11
Owner Signature _____ Date _____

I HEREBY CERTIFY THAT THE ABOVE DESCRIBED VEHICLE HAS BEEN PHYSICALLY INSPECTED BY ME AS A DESIGNATED AGENT OF THE DEPARTMENT, AS REQUIRED BY LAW, AND THAT THE V.I.N. AND DESCRIPTIVE DATA SHOWN ON THIS APPLICATION ARE CORRECT AND FURTHER, I IDENTIFIED THE PERSON SIGNING THE APPLICATION AND WITNESSED THE SIGNATURE.

DA Signature [Signature] Date 6/1/11
DA Name RIVERCHASE KIA DA Account Number S6-00459-00

ATTENTION APPLICANT: You can track the status of your title application by entering the title application number listed above at the following web site: www.alsteps-sta.us.com

A signed copy of this application shall, in accordance with Section 32-8-38, Code of Alabama 1975, serve as a permit for the operation of the motor vehicle described above until the revenue department issues a certificate of title or refuses to issue a certificate of title and shall continue to serve as evidence of ownership and as a permit for the operation of the vehicle after title is issued.

Legends ODOMETER READING IS THE ACTUAL MILEAGE

CERTIFICATE OF ORIGIN FOR A VEHICLE



DATE
05/25/2011

INVOICE NO.
0010894361

VEHICLE IDENTIFICATION NO.
KNAFU4A21B5443041

YEAR
2011

MAKE
KIA

BODY TYPE
4 DOOR SEDAN

SHIPPING WEIGHT
2740

H.P.(S.A.E.)
156

G.V.W.R.
3814

NO. CYLS.
004

SERIES OR MODEL
FORTE/EX

THIS VEHICLE MEETS BOTH CALIFORNIA AND FEDERAL EMISSIONS REQUIREMENTS.

I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the Invoice Number indicated to the following distributor or dealer.
NAME OF DISTRIBUTOR, DEALER, ETC.

BIRMINGHAM AUTO ACQUISITIONS
DBA RIVERCHASE KIA
2200 HIGHWAY 31 SOUTH
PELHAM AL 35124

It is further certified that this was the first transfer of such new vehicle in ordinary trade and commerce.

KIA MOTORS CORPORATION

by:

(SIGNATURE OF AUTHORIZED REPRESENTATIVE)

(AGENT)

KMA3003287

IRVINE, CA 92606

CITY-STATE

<p>Each undersigned seller certifies to the best of his knowledge, information and belief under penalty of law that the vehicle is new and has not been registered in this or any state at the time of delivery and the vehicle is not subject to any security interests other than disclosed herein and warrant title of the vehicle.</p> <p>FOR VALUE RECEIVED I TRANSFER THE VEHICLE DESCRIBED ON THE FACE OF THIS CERTIFICATE TO:</p>	
DISTRIBUTION-DEALER ASSIGNMENT NUMBER 1	<p>NAME OF PURCHASER(S) <u>Shannon L. Dunaway</u></p> <p>ADDRESS <u>1750 A Woodbrook Trail Alabaster, AL 35007</u></p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER <u>Riverchase Kia</u> <u>01828</u> By: <u>Coplin</u></p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
DISTRIBUTION-DEALER ASSIGNMENT NUMBER 2	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
DISTRIBUTION-DEALER ASSIGNMENT NUMBER 3	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
DISTRIBUTION-DEALER ASSIGNMENT NUMBER 4	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
	<p>NAME OF PURCHASER(S) _____</p> <p>ADDRESS _____</p> <p>I certify to the best of my knowledge that the odometer reading is _____ No Tenths</p> <p>DEALER _____ By: _____</p> <p>NAME OF DEALERSHIP DEALER'S LICENSE NUMBER</p> <p>State of _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>County of _____ Notary Public</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
ODOMETER DISCLOSURE FOR RETAIL SALE	<p>Federal Law requires you to state the odometer mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.</p> <p>I certify to the best of my knowledge that the odometer reading is the actual mileage of the vehicle unless one of the following statements is checked. Odometer Reading _____ No Tenths. <input type="checkbox"/> The mileage stated is in excess of its mechanical limits. <input type="checkbox"/> The odometer reading is not the actual mileage.</p> <p>Signature(s) of Seller(s) _____ Date of Statement _____ Date of Sale _____</p> <p>Printed Name(s) of Seller(s) _____ Dealer's No. _____ Being duly sworn upon oath says that the statements set forth are true and correct. Subscribed and sworn to me before this _____ day of _____ 20____</p> <p>Signature(s) of Purchaser(s) _____</p> <p>Printed Name(s) of Purchaser(s) _____ Notary Public</p> <p>Company Name (if Applicable) _____ State of _____</p> <p>Address of Purchaser(s) _____ County of _____</p> <p>USE NOTARIZATION ONLY IF REQUIRED IN TITLING JURISDICTION</p>
	<p>1st lien in favor of <u>Kia Motors Finance</u></p> <p>whose address is <u>P.O. Box 105299 Atlanta GA 30348</u></p> <p>2nd lien in favor of _____</p> <p>whose address is _____</p>
LIENHOLDER	



ALABAMA DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION

P.O. Box 327640 • Montgomery, AL 36132-7640 • titles@revenue.alabama.gov
www.revenue.alabama.gov

MVT 5-13
9/08

THIS FORM MAY
BE REPRODUCED

Power of Attorney

STATE OF Alabama

COUNTY OF SHELBY

Date: 5-31-11

I hereby appoint Riverchase Kia
of 2200 Pelham Pkwy ^{NAME} Pelham ^{ADDRESS} AL Zip 35124

as my attorney-in-fact to sign my name and do all things necessary for the purpose(s) of: *(Owner shall initial each purpose for which appointment intended)*

- ☒ making application for certificate of title,
- ☒ making application for replacement certificate of title,
- ☒ completing assignment of title to transfer my ownership to the transferee,
- ☒ to receive my certificate of title,
- ☒ to register and to purchase license plate,
- ☐ other purpose, describe: _____

for my motor vehicle described as follows:

2011 Kia Forte 4D
YEAR MODEL MAKE MODEL BODY STYLE
KNAFU4A21B5443041 _____
VEHICLE IDENTIFICATION NUMBER LICENSE NUMBER STATE LICENSED

Sworn to and subscribed before me
on Date above stated.

► [Signature]
NOTARY PUBLIC

My commission expires:

8/19/13

► [Signature]
SIGNATURE OF OWNER
17516 A Woodbrook Trail
PERMANENT ADDRESS
Alabaster, AL Zip 35007

Signature of Appointee: ► [Signature]

NOT VALID WITHOUT THIS SIGNATURE

If a business firm or corporation is appointed, the signature shall be of an authorized representative of the firm who will perform as attorney-in-fact for the owner.

SPECIAL NOTICE: Any alterations or strikeovers shall void this Power of Attorney. *Original signatures are required on all Power of Attorneys.*

LEGAL NOTICE: A person acting for the motor vehicle owner under this Power of Attorney should be aware of the statute under the *Alabama Uniform Certificate of Title and Antitheft Act* as follows: Code of Alabama 1975, §32-8-11. "Aiding, abetting, etc., in violations. A person who, whether present or absent, aids, abets, induces, procures or causes the commission of an act which if done directly by him, would be a felony or a misdemeanor under provisions of this chapter, is guilty of the same felony or misdemeanor. (Acts 1973, No. 765, p. 1147, §43.)"

Exhibit "2"



Kia Motors Finance
PO BOX 20325 | Fountain Valley, CA 92728-0825

April 23, 2012

Lynn Johnson Collision Center
3422 Pelham Parkway
Pelham AL
35124

RE: Account Number: 20110600255530
Vehicle: 2011 KIA FORTE, VIN: KNAFU4A21B5443041

To Whom It May Concern:

Please be advised that Kia Motors Finance will not exercise its right to take possession of the above-referenced vehicle pursuant to its security interest.

If you have any further questions, please contact us at (877) 769-8750 between 6:00 AM and 4:00 PM PT, Monday through Friday.

Sincerely,

Wendy Johnson
Wendy Johnson
Recovery Department

7011 2970 0000 7132 4400

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
ALABAMA AL 35007		
Postage	\$ 10.45	0830
Certified Fee	\$2.15	21
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 15.15	07/12/2012
Sent To <i>Shannon Dargatz</i>		
Street, Apt. No., or PO Box No. <i>1756 H Woodbrook Trail</i>		
City, State, ZIP+4 <i>Alabaster, AL 35007</i>		
PS Form 3800, August 2006		

7011 2970 0000 7132 4417

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
For delivery information visit our website at www.usps.com		
ALABAMA AL 35007		
Postage	\$ 10.45	0830
Certified Fee	\$2.15	21
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 15.15	07/12/2012
Sent To <i>Kia Motors</i>		
Street, Apt. No., or PO Box No. <i>PO Box 20325</i>		
City, State, ZIP+4 <i>Fountain Valley CA 92728-0825</i>		
PS Form 3800, August 2006		

Exhibit "3"



ALABAMA DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION

MVT 32-13B
(6/12)

Abandoned Motor Vehicle Bill of Sale

This form may only be used to transfer ownership of an abandoned motor vehicle sold pursuant to Title 32, Chapter 13, Code of Alabama 1975

COMPLETE VEHICLE DESCRIPTION:

VIN: K N A F U 4 A 2 1 B 5 4 4 3 0 4 1

Year: 2011

Make: KIA

Model: FORTE

Date Abandoned: 12/16/2011

Date of Sale: 6/11/2012

Location of Sale: 3422 PELHAM PKW PELHAM AL

Dates on which the notice of sale was published as required by Title 32, Chapter 13-4(b), Code of Alabama 1975:

Name of Newspaper/Courthouse Posting: SHELBY COUNTY REPORTER

Date of 1st Publication/Courthouse Posting: 05/09/2012 (must at least thirty (30) days prior to date of sale)

Date of 2nd Publication/Courthouse Posting: 05/16/2012 (must be one (1) week from date of 1st publication)

CHECK ONE OF THE FOLLOWING:

- ☒ Attached is the original Form MVT 32-13R, Abandoned Motor Vehicle Record Request Response, obtained from the Department of Revenue identifying the current owner(s), registrant(s), secured party (parties), or lienholder(s) of record of the abandoned motor vehicle and the original certified mail return receipts proving that notice was given or attempted to be given at least thirty (30) days prior as required by Title 32, Chapter 13-4(a), Code of Alabama 1975.

Certified mail was sent to the owner of record on the following DATE: 04/30/2012

Certified mail was sent to the Registrant(s) of Record (if any) on the following DATE: 04/30/2012

Certified mail was sent to the Secured Party (Parties) or Lienholder(s) of Record on the following DATE: 04/30/2012

- ☐ Attached is the original Form MVT 32-13R, Abandoned Motor Vehicle Record Request Response, obtained from the Department of Revenue indicating that the department has no record of the current owners, registrants, secured parties, or lienholders of record for the abandoned motor vehicle. By signature and notarization below, seller attests that notice was given or attempted to be given as required by Title 32, Chapter 13-4(b), Code of Alabama 1975.

INFORMATION ON NET PROCEEDS OF SALE OF ABANDONED MOTOR VEHICLE:

- 1 Sale Price of Abandoned Motor Vehicle.....\$ 500.00
- 2 Amount of Repair.....\$ 0.00
- 3 Towing Expenses.....\$ 980.20
- 4 Storage Expenses.....\$ 5,370.00
- 5 Other.....\$ 0.00
- 6 Total Amount Deducted from Sale Price (total lines 2 through 5).....\$ 6,350.20
- 7 Net Sale Balance (line 1 minus line 6 - if zero or less, enter -0-) (This amount shall be paid to the county licensing official for deposit into the county general fund and a copy of the receipt of such funds must accompany this form.).....\$ 0

Buyer's Name: LYNN JOHNSON

Buyer's Address: 3422 PELHAM PARKWAY, PELHAM, AL 35124

The seller hereby certifies that this vehicle was sold to the buyer listed above as an abandoned motor vehicle in accordance with the provisions of Title 32, Chapter 13, Code of Alabama 1975. The seller also hereby certifies that the above information is true and correct and the seller is aware that a false statement made on this document, with intent to defraud, is a criminal offense under the Alabama Uniform Certificate of Title and Antitheft Law as codified in Title 32, Chapter 8, Code of Alabama 1975.

Seller's Signature: Lynn Johnson

Sworn to and subscribed before me,

Seller's Name: LYNN JOHNSON

this 24 day of July

Seller's Address: 3422 PELHAM PARKWAY

Notary Public: [Signature]

PELHAM, AL 35124

expires 7/10/18

*All VINs for 1931 and subsequent year model vehicles that conform to federal anti-theft standards are required to have 17 digits/characters.

**See reverse side of form.

Alterations or illegible information void this form.

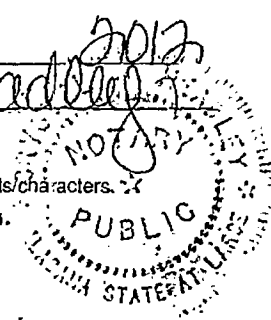


Exhibit "4"

ALABAMA DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION - TITLE SECTION
P. O. Box 327666, Montgomery, AL 36132-7666

KIA MOTORS FINANCE
PO BOX 105299
ATLANTA, GA 30348

October 16, 2012

RE: Alabama Title #: 44510849
VIN: KNAFU4A21B5443041
Year: 2011
Make: KIA
Model: FORTE

To Whom It May Concern:

This office has received an application for Certificate of Title to record a transfer of the vehicle described above, where our current records reflect you as owner or as having a security interest in this vehicle.

Please accept this letter as your notice that your interest as an owner/lienholder has been terminated, not by voluntary transfer; but by operation of law. A new Alabama Certificate of Title is being issued to record the ownership of the transferee and lienholder, if any, pursuant to the provisions of Section 32-8-46, Code of Alabama 1975.

If you are holding the outstanding Certificate of Title to this vehicle, which is hereby VOIDED by the issuance of a new Certificate of Title, you shall immediately mail or deliver the Certificate of Title to this office at the address listed at the top of this letter. Voidance of a Certificate of Title does not, in itself, affect the validity of a security interest noted on it.

For any claim to proceeds from this sale, you should contact the seller(s):


LYNN JOHNSON COLLISION INC
3422 PELHAM PKWY
PELHAM, AL 35124

Certified copies of documents supporting this transfer are available from this office by contacting mvrecords@revenue.alabama.gov.

A copy of this letter will be forwarded to the license plate issuing official that registered the vehicle in your name to advise that office that registration cannot be renewed in your name for this vehicle.

CC: DUNAWAY SHANNON L
1756 A WOODBROOK TRAIL
ALABASTER, AL 35007

To be sent to the Lien Holder



STATE OF ALABAMA

DEPARTMENT OF REVENUE

CERTIFICATE OF TITLE FOR A VEHICLE

TITLE NO.	VEHICLE IDENTIFICATION NUMBER	TRANS CODE	DATE ISSUED
46330198	KNAFU4A21B5443041	01	10/22/2012
YEAR	MAKE	MODEL	EXPIRATION DATE
2011	KIA	FORTE	44510849
CYL	IN W	USED	DI MTD
04	XX		
PURCHASE DATE	NO LIENS	COLOR	ODOMETER
06/11/2012	0	WHI	006500

NAME OF THE FIRST OWNER(S)

JOHNSON LYNN
3422 PELHAM PKWY
PELHAM AL 35124

MAIL TO

679 / 541

JOHNSON LYNN
3422 PELHAM PKWY
PELHAM AL 35124-2010

ISSUING AGENCY ADDRESS (OPTIONAL)

JOHNSON LYNN
1972 HWY 36
CHELSEA AL 35043

LEGEND (C) ODOMETER READING IS THE ACTUAL MILEAGE

THE FOLLOWING INFORMATION IS REQUIRED FOR THE REGISTRATION OF A VEHICLE:

1. THE REGISTRATION FEE IS \$10.00 PER YEAR.

2. THE SALES TAX IS 4% OF THE PURCHASE PRICE.

3. THE TITLE FEE IS \$15.00 PER YEAR.

4. THE LIEN FEE IS \$10.00 PER YEAR.

5. THE REGISTRATION FEE IS \$10.00 PER YEAR.

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FEDERAL and State Law requires that you state the mileage in connection with transfer of ownership. Failure to complete ODOMETER STATEMENT OR providing a FALSE STATEMENT may result in fines and/or imprisonment.

***** NOTICE: ANY ALTERATION OR ERASURE VOIDS THE ASSIGNMENT and all assignments that follow*****

- **ASSIGNMENT OF TITLE BY REGISTERED OWNER** (not valid unless completed in full)-I/we warrant this Title and certify that the vehicle described herein has been transferred on 10/26/17 to the following: 125 Scenic Lake Dr

Buyer(s)- Denise or Steven Rosier Address- Maylene Rd 88114

I certify to the best of my knowledge that the ODOMETER READING is the ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

52210
ODOMETER READING

NO
TENTHS

CAUTION:
READ CAREFULLY
BEFORE YOU
CHECK A BLOCK

- ☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the Actual Mileage.

WARNING-ODOMETER DISCREPANCY

SIGNATURE(S) of Buyer(s)-X Denise Rosier of Seller(s)-X John Johnson

PRINTED NAME(S) of Buyer(s)- Denise Rosier of Seller(s)- John Johnson

LIENHOLDER TO BE RECORDED AND SHOWN ON NEW TITLE: (IF NONE, STATE "NONE") * * * * *

NAME OF 1st LIENHOLDER: Alabama Title Co

ADDRESS OF 1st LIENHOLDER: P.O. Box 306034 Birmingham AL 35221

- **FIRST RE-ASSIGNMENT BY LICENSED DEALER • SELLING DEALER'S STATE Lic. No.**

I/we warrant this Title and certify that the vehicle described herein has been transferred to the following:

Buyer(s)- Address-

I certify to the best of my knowledge that the ODOMETER READING is the ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

ODOMETER READING

NO
TENTHS

CAUTION:
READ CAREFULLY
BEFORE YOU
CHECK A BLOCK

- ☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the Actual Mileage.

WARNING-ODOMETER DISCREPANCY

Date of Sale
M / D / YR

SIGNATURE(S) of Buyer(s)-X of Seller(s)-X

PRINTED NAME: of Buyer(s)- of Seller(s)-

LIENHOLDER TO BE RECORDED AND SHOWN ON NEW TITLE: (IF NONE, STATE "NONE") * * * * *

NAME OF 1st LIENHOLDER:

ADDRESS OF 1st LIENHOLDER:

- **SECOND RE-ASSIGNMENT BY LICENSED DEALER • SELLING DEALER'S STATE Lic. No.**

I/we warrant this Title and certify that the vehicle described herein has been transferred to the following:

Buyer(s)- Address-

I certify to the best of my knowledge that the ODOMETER READING is the ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

ODOMETER READING

NO
TENTHS

CAUTION:
READ CAREFULLY
BEFORE YOU
CHECK A BLOCK

- ☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the Actual Mileage.

WARNING-ODOMETER DISCREPANCY

Date of Sale
M / D / YR

SIGNATURE(S) of Buyer(s)-X of Seller(s)-X

PRINTED NAME: of Buyer(s)- of Seller(s)-

LIENHOLDER TO BE RECORDED AND SHOWN ON NEW TITLE: (IF NONE, STATE "NONE") * * * * *

NAME OF 1st LIENHOLDER:

ADDRESS OF 1st LIENHOLDER:

- **THIRD RE-ASSIGNMENT BY LICENSED DEALER • SELLING DEALER'S STATE Lic. No.**

I/we warrant this Title and certify that the vehicle described herein has been transferred to the following:

Buyer(s)- Address-

I certify to the best of my knowledge that the ODOMETER READING is the ACTUAL MILEAGE of the vehicle unless one of the following statements is checked:

ODOMETER READING

NO
TENTHS

CAUTION:
READ CAREFULLY
BEFORE YOU
CHECK A BLOCK

- ☐ 1. The mileage stated is in excess of its mechanical limits.
☐ 2. The odometer reading is not the Actual Mileage.

WARNING-ODOMETER DISCREPANCY

Date of Sale
M / D / YR

SIGNATURE(S) of Buyer(s)-X of Seller(s)-X

PRINTED NAME: of Buyer(s)- of Seller(s)-

LIENHOLDER TO BE RECORDED AND SHOWN ON NEW TITLE: (IF NONE, STATE "NONE") * * * * *

NAME OF 1st LIENHOLDER:

ADDRESS OF 1st LIENHOLDER: